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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,894	09/07/2000	Alex Krister Raith	4015-677	2214
24112	7590	02/11/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			NGUYEN, LEE	
			ART UNIT	PAPER NUMBER
			2682	13

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/656,894	Applicant(s) RATH, ALEX KRISTER	
	Examiner LEE NGUYEN	Art Unit 2682	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 06 August 2003.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-35 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 1-12 is/are allowed.

6) ☒ Claim(s) 13-21, 23-26, 28-31, 33 and 34 is/are rejected.

7) ☒ Claim(s) 22, 27, 32 and 35 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the communication filed 8/6/2003.

1. The disclosure is objected to because of the following informalities:

On page 7, line 20, information in the blank is required.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13-14, 18, 23-24 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Yen (cited in the previous action).

Regarding claim 13, Yen teaches a method of initiating a search for a control channel in a communications network by a mobile terminal, said method comprising: storing at least one reference position indicative of the

location of said communications network in said mobile terminal ([0033], (x1,y1)); determining the current position of said mobile terminal ([0035], (x2,y2)); computing the distance of said current position of said mobile terminal from said reference position ([0035]-[0036]); and initiating a search for a channel based on said distance between said mobile terminal and said communication network ([0036]).

Regarding claim 14, Yen also teaches establishing communication between said and said mobile terminal and said communication network ([0032]).

Regarding claim 18, Yen also teaches using GPS ([0035]).

Regarding claim 23, Yen teaches a mobile terminal comprising: a transceiver 116 (fig. 1) transmitting and receiving signals over a wireless channel; memory 104 storing at least one reference position indicative of the location of a communications network ([0033], (x1,y1)); a position estimator 114 to determine a current position of said mobile terminal ([0035], (x2,y2)); and control logic 102 including a processor to calculate the distance of said mobile terminal from said reference position based on said current position of said mobile terminal (([0035]-[0036])) and to initiate a search for a channel based on said calculated distance (([0036])).

Regarding claim 24, Yen also teaches using GPS receiver 114 ([0035]).

Regarding claim 34, Yen teaches a method of controlling the initiation of a search by a mobile terminal for a channel associated with a radiocommunication system comprising: repeatedly determining the location of the mobile terminal with respect to a reference position associated with the radio communication system (col. 4, [0034] through [0038]); and initiating a search for a channel associated with said radio communication system if the computed distance between the mobile terminal and the reference position is less than a predetermined distance, see [0035] and [0036].

4. Claims 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Minnick et al. (US 6,370,381).

Regarding claim 29, Minnick teaches a method for controlling the initiation of searches by a mobile terminal for a channel associated with a private radiocommunication system, said method comprising: storing a reference position within the mobile terminal (col. 16, lines 30-31, static location of site 120, 170), said reference position not a previously

determined position of said mobile terminal, and being within the boundaries of the private radiocommunication system (dispatch agencies, abstract); determining the current position of said mobile terminal (col. 16, lines 35-36); computing the distance of said current position of said mobile terminal from said reference position (col. 16, lines 35-36); and initiating a search for a channel provided by said private radiocommunication system based on said computed distance between said current position of said mobile terminal and said reference position (col. 16, lines 56-59).

Regarding claims 30-31, Minnick also teaches that the search for a channel is based upon the distance from the base stations 120 or 170 which inherently means that the determination of the current position of the mobile unit and the computing distance between the mobile unit and the base stations 120 or 170 are repeatedly performed as long as the said distance is less than a predetermined distance (see unreachable sites are not search, col. 16, lines 56-60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen.

Regarding claims 15-17, Yen fails to teach a private wireless telephone system including short-range communication Bluetooth. It is taken official notice that the art using dual mode mobile terminal is conventionally well known. It would have been obvious to one of ordinary skilled in art at the time the invention was made to also include dual mode mobile terminal, which uses the private wireless system to the system of Yen in order to enhance the operability of the mobile terminal.

Regarding claim 28, the claim is interpreted and rejected for the same reason as set forth in claims 15-16.

7. Claims 19-21 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen in view of Yee cited in the previous action.

Regarding claims 19-21 and 25-26, Yen fails to teach determining said current position of said mobile terminal is repeated at intervals

dependant on said distance of said current position of said mobile terminal from said reference position and rate of change. This technique is described by Yee in col. 8, lines 55-63 (sleep interval, increase, decrease). It would have bee obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yee to the system of Yen in order to reduce power consumption.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minnick et al. in view of Yee cited in the previous action.

Regarding claim 33, the claim is interpreted and rejected for the same reason as set forth in claim 21.

Allowable Subject Matter

9. Claims 1-12 are allowed.

10. Claims 22, 27, 32 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22, 27, 32 and 35 were allowed.

Response to Arguments

11. Applicant's arguments filed 8/6/2003 have been fully considered but they are not persuasive.

Regarding the rejection of independent claims 13, 23 and 34, Applicant contends that Yen fails to teach a reference position that corresponds to a communication network.

The examiner respectfully disagrees. In [0032], Yen teaches that the reference position (x1,y1) corresponds to cell 402 or base station 406 which belongs to a wireless communication network. Therefore, Yen does teach the claim limitation.

The argument concerning the rejection of claim 29 is moot in view of new ground of rejection.


The argument concerning the rejection of claims 1-12 is moot in view of the allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone

number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 2/2/04
LEE NGUYEN
Primary Examiner
Art Unit 2682